



ATTORNEY DOCKET NO.: SAN01-NP001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
James D. SAN ANTONIO ET AL.

Group Art Unit: 1642

Examiner: Harris A.

Serial No. 09/496,391

Filed: February 02, 2000

Title: Peptides Modulating Activities of
Heparin, Other Glycosaminoglycans
or Proteoglycans

RESPONSE

RECEIVED

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TECH CENTER 1633, 1630

Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Dear Madam:

This responds in full to the communication dated December 18, 2001 from the Patent Office entitled "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures." A copy of the Office Letter is enclosed.

This response is timely filed by virtue of the enclosed Petition for Extension of Time, extending the time for response through and including June 18, 2002, thereby extending by five months the one month extendable deadline set in the Official Action. The fee required is set forth in the accompanying fee calculation sheet. Please charge any requisite fees relating to this amendment, including any claim fees, to Deposit Account No. 50-0491.

In the Office Letter, the Examiner has indicated that the application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 because “[t]he claims contain sequences that have not been identified by SEQ ID numbers.” Applicants respectfully disagree with the Examiner’s analysis. The claims at issue contain the following amino acid sequences: (XBBBXXBX)_n, (XBXXBBBX)_n, (XBBXXBX)_n, and (XBXBBX)_n. MPEP 2421.02 provides that “[t]he sequence rules embrace . . . all unbranched, non-D amino acid sequences with four or more amino acids, provided that there are at least 4 “specifically defined” . . . amino acids.” “Specifically defined” is defined in 37 C.F.R. § 1.821 as meaning “those amino acids other than ‘Xaa’.” In light of these rules, it is Applicants’ belief that the aforementioned sequences are not encompassed by the sequence rules and thus do not require Sequence Identification Numbers. This belief was confirmed by PTO sequence personnel, specifically Mark Spencer, who opined that the application as currently written, i.e., minus the sequence identification numbers for the aforementioned sequences, is in compliance with the sequence rules.

The Examiner has indicated further that the application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 because “[a] statement that the content of the paper and computer readable copies are the same and, where applicable, included no new matter, as required.” The Applicants refer the Examiner to the following statement that appears on page 27 in Applicants’ Response and Preliminary Amendment dated July 17, 2001, which was filed in response to an Office Letter dated January 17, 2001 (Paper Number 5):

STATEMENT PURSUANT TO 37 C.F.R. 1.821(f) and (g)

Applicant hereby states that the enclosed substitute CRF diskette and paper copy of the “Sequence Listing” submitted herewith are identical and contain no new matter. 37 C.F.R. §§ 1.821(f) and 1.821(g).

Applicants respectfully submit that such statement satisfies the requirements set forth in the rules.

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For the reasons advanced above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejections.


The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 50-0491. In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time, to Deposit Account No. 50-0491.

Respectfully submitted,

JAMES D. SAN ANTONIO

6/18/02
Date

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